UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,026	12/02/2003	Keita Ohshima	03500.017753.	4700

5514   7590   06/08/2010
FITZPATRICK CELLA HARPER & SCINTO
1290 Avenue of the Americas
NEW YORK, NY 10104-3800

EXAMINER
RILEY, MARCUS T

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
06/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/725,026	OHSHIMA, KEITA
	Examiner	Art Unit	
	MARCUS T. RILEY	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

   4a) Of the above claim(s) *1-29, 31 and 36* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *30,32-35 and 37-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some *   c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *12/27/2007; 06/23/2008; 08/25/2009* .

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action is responsive to applicant's remarks received on March 01, 2010.

Claims 30, 32-35, 37, 38 and newly added **claims 39 & 40** are pending. **Claims 1-29, 31 & 36**

have been cancelled.

Response to Arguments

2.   Applicant's arguments with respect to amended **claims 30, 32-35, 37, 38** and newly

added **claims 39 & 40**, filed on March 01, 2010 have been fully considered but they are not

persuasive.

A: Applicant's Remarks

        For Applicant's remarks see *"Applicant Arguments/Remarks Made in an Amendment"*

see filed March 01, 2010.

A: Examiner's Response

        Applicant argues that that the cited references do not disclose or suggest a job generating

unit configured to generate a print job, wherein the print job includes a job ticket and a print

document, the job ticket including output layout information, additional information and color

attribute information for the print document; and a job ticket editing unit configured to change

the output layout information or the additional information included in the job ticket, wherein the

job ticket editing unit changes the color attribute information by a page unit in correspondence to the change in the output layout information or the additional information.

Examiner understands the Applicant's arguments but respectfully disagree. Takahashi '999 either alone or in combination with Takahashi '245 or Hertling '034 discloses, teaches or suggests the Applicant's claimed invention.

Takahashi '999 a job generating unit configured to generate a print job at Fig. 1 and column 14, lines 51-58. For example, the users of Computers 103a-b generates the print job to be printed. Fig. 21 shows the print job ticket 21503 and a print document, Job Ticket No. 1234. No. 1234 is the number related to the document to be printed after the "OK" button 21508 is pressed as shown in column 15, lines 12-20. The job ticket includes output layout information because column 16, lines 22-29, Fig. 26 and Numeral 22012 show where the outputting of each job is over and all the image formation processing jobs of the job ticket number 1234 are completed. Numeral 21607 of Fig. 22 and column 15, lines 21-27 shows the additional information because Numeral 21607 is a collation tab 21607 that allows the user to know the job setting instruction to the off-line collator 106, the status of the job and to change it. Fig. 22, Numeral 21610, column 15, lines 43-58 shows the color attribute information for the print document. Moreover, Takahashi '999 discloses a job ticket editing unit at Figs. 22-26, Numerals 21603-21607 and column 15, lines 43-58. Numeral 21610 of the job ticket editing unit is allows the user to change the color attribute information and the setting of pages and the number of copies for the color MFP. Thus, Takahashi '999 either alone or in combination with Takahashi '245 or Hertling '034 discloses, teaches or suggests the Applicant's claimed invention. As a result, Applicant's application is not in condition for allowance.

<u>*Claim Rejections - 35 USC § 101*</u>

(The previous claim rejection is withdrawn in light of the applicant's amendments.)

<u>*Claim Rejections - 35 USC § 103*</u>

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   **Claims 30, 33-35 & 38-40** rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 6,727,999 B1 hereinafter, Takahashi '999) in combination with Takahashi (US 6,985,245 B1 hereinafter, Takahashi '245).

Regarding claim 33; Takahashi '999 discloses a print system (Fig. 1, Print System) comprising:

an information processing apparatus (Fig. 1, Computers 103a and 103b i.e. The computer 103 converts the produced texts/figures into PDL and sends them to the MFP's 104 and 105 for print out. Column 3, lines 9-16);

a print managing apparatus (Fig. 1, Server 102, The MFPs 104 and 105 are managed by the server 102. Column 3, lines 28-31);

and a printing apparatus (Fig. 1, MFP's 104 and 105 i.e. MFP's 104 and 105 are used for printing. Column 3, lines 9-16),

wherein the information processing apparatus comprises:

a job generating unit (Fig. 1, Computers 103a-b) configured to generate a print job (i.e. Users of Computers 103a-b generates the print job. Column 14, lines 51-58),

wherein the print job includes a job ticket (Fig. 21, Job Ticket 21503) and a print document (Fig. 21, Job Ticket No. 1234: i.e. No. 1234 is the number related to the document to be printed after the "OK" button 21508 is pressed. Column 15, lines 12-20),

the job ticket including output layout information (Fig. 26, Numeral 22012 i.e. Numeral 22012 shows where the outputting of each job is over and all the image formation processing jobs of the job ticket number 1234 are completed. Column 16, lines 22-29) additional information (Fig. 22 Numerals 21603-21607 i.e. Numeral 21607 is a collation tab 21607 allows to know the job setting instruction to the off-line collator 106 and the status of the job. Column 15, lines 21-27) and color attribute (Fig. 22, Numeral 21610) information for the print document (i.e. Numeral 21610 shows the attribute information for the print document. Column 15, lines 43-58);

a job ticket editing unit (Figs. 22-26, Numerals 21603-21607) configured to change the output layout information or the additional information included in the job ticket (i.e. Numeral 21610 allows the user to change the color attribute information and the setting of pages and the number of copies for the color MFP. Column 15, lines 43-58);

wherein the job ticket editing unit changes the color attribute information (Figs. 22, Numeral 21610) by a page unit (Fig. 22, "Pages") in correspondence to the change in the output layout information or the additional information (i.e. Numeral 21610 allows the user to change the color attribute information and the setting of pages and the number of copies for the color MFP. Column 15, lines 43-58);

wherein the print managing apparatus comprises:

a reception unit (Fig. 1, MFP's 104 & 105) configured to receive the print job from the information processing apparatus (Fig. 1, MFP's 104 & 105 receives print jobs from Computers 103a and 103b. Column 3, lines 9-16);

Takahashi '999 does not expressly disclose a layout unit, analysis unit, read unit, designation unit, print control unit and a first and second print mode.

Takahashi '245 discloses a layout unit (Fig. 22, Copy Count) configured to perform layout of the print document included in the print job received by the reception unit into one or more

pages, wherein layout is performed based on the output layout information included the job

ticket included in the received print job (i.e. Fig. 22 shows a Job Ticket with output layout information. Copy count

is a print instruction to be performed and represents one or more pages. Column 20, lines 20-31);

an analysis unit (Fig. 29, Step S2214 & S2209) configured to analyze each page of the print

document as to whether the page includes a color attribute, wherein analysis is based on the

layout performed by the layout unit (i.e. Fig. 29, Step S2214 & S2209 determines whether or not the printing job

consists of color data to be printed. Column 29, line 41 thru column 30, line 26);

a read unit (Fig. 19, Read Attribute Display Section 1517) configured to read the color attribute

information included in the job ticket included in the received print job (i.e. The read attribute display

section 1517 is comprised of an image size display section 1504 for selecting and designating an image size, a resolution input

section 1505, and a color mode setting section 1506. Column 21, lines 54-57. See also column 12, line 50 thru column 13, line 9);

a designation unit (Fig. 29, Step S2204) configured to designate one of at least first and second

print modes (Fig. 29, Manual and Auto Print Modes) in response to a user instruction (i.e. At Step S2204, the print

mode is determined to see whether the printing job has been designated for manual (Manual) processing or automatic (Auto)

processing in response to a user choice. Column 29, line 41 thru column 30, line 26);

wherein in the first print mode, a print instruction is given in correspondence to the layout

performed by the layout unit and the analysis performed by the analysis unit (i.e. At Step S2202 the

process procedure is determined taking the priority of the printing job into consideration. A print instruction for a print layout is

issued by a user and the process of printing is determined. Column 29, line 41 thru column 30, line 26);

and wherein in the second print mode, a print instruction is given in correspondence to

the layout performed by the layout unit and the color attribute information read by the read unit

(At Step S2214 it is determined whether or not the entire printing job consists of color data. Column 29, line 41 thru column 30,

line 26);

a print control unit (Fig. 14, Input Job Control Section 1202) configured to give a print instruction

to the printing apparatus in the one mode designated by the designation unit (i.e. Fig. 29 shows at Step

S2201 a printing job transferred from the client 103 is input to the input job control section 1202 of Fig. 14, via the first NIC 111 and the input device control section 1201 and is temporarily spooled therein. At Step S2204, the manual or Auto mode is designated. Column 29, line 41 thru column 30, line 26).

Takahashi '999 and Takahashi '245 are combinable with because they are from same field of endeavor of network printer systems (See Takahashi '245, "Title").

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the printer system as taught by Takahashi '999 by adding a layout unit, analysis unit, read unit, designation unit, print control unit and a first and second print mode as taught by Takahashi '245. The motivation for doing so would have been because there is a need to produce a high-quality document. Therefore, it would have been obvious to combine Takahashi '999 with Takahashi '245 to obtain the invention as specified in claim 33.

Regarding claim 30; Takahashi '999 as modified does not expressly disclose a print system, wherein the print system further comprises a plurality of printing apparatuses including a monochromatic printing apparatus and a color printing apparatus, and wherein the print control unit selects the monochromatic printing apparatus or the color printing apparatus to perform a distribution printing in correspondence to the one mode designated by the designation unit.

Takahashi '245 discloses wherein the print managing apparatus (Fig. 27, Document Server 102) is connected to a plurality of printing apparatuses (Fig. 27, MFP's 104 & 105) including a monochromatic printing apparatus (Fig. 36, MFP 105) and a color printing apparatus (Fig. 36, MFP 104);

and wherein the print control unit selects the monochromatic printing apparatus or the color printing apparatus to perform a distribution printing in correspondence to the one mode designated by the designation unit (i.e. Fig. 27 & 29 show where monochromatic the printing apparatus or the color

printing apparatus may be selected to perform a distribution printing. Fig. 29 also shows at Step S2204 shows where the manual or Auto mode is designated. Column 29, line 41 thru column 30, line 26).

Takahashi '999 and Takahashi '245 are combinable with because they are from same field of endeavor of network printer systems (See Takahashi '245, *"Title"*).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the printer system as taught by Takahashi '999 by adding a monochromatic printing apparatus and a color printing apparatus as taught by Takahashi '245. The motivation for doing so would have been because there is a need for a user to have several ways to print a document. Therefore, it would have been obvious to combine Takahashi '999 with Takahashi '245 to obtain the invention as specified in claim 33.

Regarding claims 34 & 38; Claims 34 & 38 contains substantially similar features as that of apparatus claim 33. Thus, claim 34 & 38 are rejected on the same ground as claim 33.

Regarding claim 35; Claim 35 contains substantially similar features as that of claim 30. Thus, claim 35 is rejected on the same grounds as claim 30.

Regarding claim 39; Takahashi '245 discloses a print system (Fig. 1, Print System)

wherein the job ticket editing unit changes the output layout information by shifting simplex printing to duplex printing (Fig. 22, i.e. The duplex printing section can be set to ON or OFF so that the ON setting enables the duplex printing whereas the OFF setting enables single-side printing. Column 23, lines 37-52);

and changes the additional information by deleting an annotation having a color attribute. (i.e. To change the setting contents of the job ticket, the user can operate the cancel key 1805 to stop or suspend the process operations based on the commands from the user. Column 23, lines 53-67)

Regarding claim 40; Claim 40 contains substantially similar features as that of claim 39. Thus, claim 40 is rejected on the same grounds as claim 39.

5.   **Regarding claims 32 & 37** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Takahashi '999 and Takahashi '245 as applied to claim 29 above, and further in view of

Hertling (US 6,874,034 B1 hereinafter, Hertling '034).

Regarding claim 32; Takahashi '999 as modified does not expressly disclose a print

system wherein the print instruction information described by the job ticket is described by a

markup language.

Hertling '034 discloses a print system (Fig. 2, Print System 100) wherein the print instruction

information described by the job ticket (Fig. 2, Print Job Ticket 303) is described by a markup language

(i.e. The print job ticket 303 can contains a plurality of field of instructions. Each field respectively contains data in a suitable

format, such as extensible markup language (XML). Column 9, lines 62 thru column 10, line 7).

Takahashi '999 and Hertling '034 are combinable with because they are from same field

of endeavor of network printer systems (Hertling '034 at "Field of Invention").

At the time of the invention, it would have been obvious to a person of ordinary skill in

the art to modify the printer system as taught by Takahashi '999 by adding wherein the print

instruction information described by the job ticket is described by a markup language as taught

by Hertling '034. The motivation for doing so would have been because it is advantageous to

have a suitable language for the server to easily read and process information. Therefore, it would

have been obvious to combine Takahashi '999 with Hertling '034 to obtain the invention as

specified in claim 29.

Regarding claim 37; Claim 37 contain substantially the same subject matter as claim 32.

Therefore, claims 37 is rejected on the same grounds as claim 32.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Marcus T. Riley
Assistant Examiner
Art Unit 2625

/MARCUS T. RILEY/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625